

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC

9 November 2020

In re Application of	)
	)
FORT MYERS BROADCASTING COMPANY	)
For FM Translator License	) FCC File No. 0000120834
Call Sign W239CL, Golden Gate, FL	) Facility ID 139116

To: Marlene H. Dortch, Secretary  
Federal Communications Commission  
Attn: Media Bureau, Audio Division

**OPPOSITION TO MOTION TO DISMISS**

Sumarrase, Inc. (“Sumarrase”) opposes Fort Myers Broadcasting Company's (“FMBC”) Opposition to Dismiss Reply to Opposition (“Motion”) submitted November 4, 2020.<sup>1</sup> FMBC overlooks that the Commission's Licensing and Management System (“LMS”) enforces the subscription and verification requirements of 47 C.F.R. §§ 1.16 and 1.52 as part of the submission procedure. It is an incorrect conclusion that the pleadings were submitted without a signed declaration under penalty of perjury.

In order to submit a pleading in LMS, the filing party must certify to the truthfulness, completeness, and correctness of the pleading with notice of the penalty for perjury. Sumarrase's pleadings are filed by Mr. Dwayne Williams, an individual authorized to speak and sign on behalf of the organization. The LMS certification statement that Mr. Williams signed is attached as Exhibit M-1, and it contains the language to “certify that the statements in this application are

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<sup>1</sup> FCC Pleading No. 0000125502.

true, complete, and correct” with a prominent notice of the penalty of perjury. It is substantially the prescribed form found in the rules.

In addition, the declaration attached to Sumarrase's Reply To Opposition, pleading no. 0000125099, includes multiple certifications and concludes with an electronic typewritten signature “Dwayne Williams” affixed by Mr. Williams.

Although certifications are not shown when viewing pleadings in the publicly accessible LMS interface, FMBC's counsel has had ample experience filing pleadings in LMS to be aware of the contents of the “Certify” application section. The Motion should be recognized as a frivolous attempt to suppress Sumarrase's pleadings.

For the reasons above, the Bureau should DENY FMBC's Motion.

Respectfully Submitted,

*Dwayne Williams*

Dwayne Williams  
President; *Sumarrase, Inc.*

3507 Lee Blvd., Suite 254  
Lehigh Acres, FL 33971

## **Exhibit M-1**

LMS Certification Statements

(captured November 6, 2020)

Pleadings

## Certification

*\* indicates required field*

 Attachments

 Draft Copy

### General Certification Statements

The undersigned certifies that he or she is (a) the party filing the pleading; or an officer, director, member, partner, trustee, authorized employee, or other individual or duly elected or appointed official who is authorized to sign on behalf of the party filing the pleading; or (b) an attorney qualified to practice before the Commission under 47 C.F.R. Section 1.23(a), who is authorized to represent the party filing the pleading, and who further certifies that he or she has read the document; that to the best of his or her knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay.

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### Authorized Party to Sign

I hereby certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, §1001) AND/OR REVOCATION OF ANY STATION AUTHORIZATION (U.S. Code, Title 47, §312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, §503).

*\* indicates required field*

## Certificate of Service

I, Dwayne Williams, certify that a true and correct copy of the foregoing Opposition of Motion to Dismiss was sent, this 9th day of November, 2020, by first-class, postage paid mail to the following:

Fort Myers Broadcasting Company                      (Licensee)  
Attn: Mark Gilson  
2824 Palm Beach Blvd.  
Fort Myers, FL 33916

Belisle Law Firm PA                                      (Legal Representative to Licensee)  
Attn: Joseph A. Belisle, III  
PO Box 970620  
Miami, FL 33197

By: *Dwayne Williams*  
Dwayne Williams